

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA §  
§  
v. § CRIMINAL NO. 4:11CR77  
§  
KEVIN THOMAS BOJANCZYK §

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 1, 2011 to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Camelia Lopez.

On December 27, 2004, Defendant was sentenced by the Honorable Julie A. Robinson, United States District Judge, to a sentence of 60 months imprisonment followed by a 3-year term of supervised release, for the offense of possession of use/carry of a firearm during and in relation to a drug trafficking crime. Defendant began his term of supervision on October 10, 2008. This matter was reassigned to U.S. District Judge Richard A. Schell on April 11, 2011.

On June 28, 2011, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or

local crime; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician.

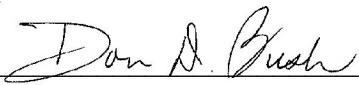
The Petition alleges that Defendant committed the following violations: (1) On January 15, 2011, Defendant was arrested by the Texas Department of Safety Texas Highway Patrol for Driving While Intoxicated 3rd or More, Felony 3. Defendant was released on a \$1,500.00 bond.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

#### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the July 1, 2011 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months to be served consecutively to any other sentence being served, with no supervised release to follow.

**SIGNED this 8th day of July, 2011.**

  
\_\_\_\_\_  
DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE